

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHANE TAYLOR BURNS,

Plaintiff,

vs.

TED HILL, KRISTINA MILBURN, and
JOAN RAFFETY,

Defendants.

8:23CV53

ORDER

Federal Rule of Civil Procedure 4(m) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

Plaintiff, proceeding without counsel at the time, filed the Complaint on February 9, 2023. (Filing No. 1). On December 14, 2023, the Court entered a Memorandum and Order (Filing No. 20) appointing counsel to represent Plaintiff, and directing Plaintiff to file an amended complaint by January 29, 2024. After granting Plaintiff an extension of time to file an amended complaint, Plaintiff filed an amended complaint on February 3, 2024. (Filing No. 26). More than 90 days has elapsed since the amended complaint was filed. To date, Plaintiff has not filed any return of service or signed waiver indicating service on the defendants, the defendants have not entered a voluntary appearance, and Plaintiff has not requested an extension of time to complete service. Accordingly,

IT IS ORDERED that Plaintiff shall have until **May 29, 2024**, to show cause why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) or take other appropriate action. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 8th day of May, 2024.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge